

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

BUREAU OF CONSUMER FINANCIAL  
PROTECTION,

Plaintiff,

v.

PROGREXION MARKETING, INC., et al.

Defendants.

Case No. 2:19-CV-00298-BSJ

**DEFENDANTS' SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF  
MOTION TO STAY**

Since the Court's issuance of the March 10, 2023 Order Granting Plaintiff's Motion for Partial Summary Judgment ("March 10 Order" or "Order"), Defendants John C. Heath, P.C., PGX Holdings, Inc., Progrexion Marketing, Inc. Progrexion Teleservices, Inc., CreditRepair.com, Inc., and eFolks, LLC ("Defendants") have moved in parallel in the District Court and in the Tenth Circuit Court of Appeals to obtain a stay of the effect of the Order. Earlier today, on April 3, 2023, the Tenth Circuit denied Defendants' motion for a stay and vacated the temporary administrative stay that had been in place.

In light of the Tenth Circuit's order, time is of the essence. Defendants have previously detailed for this Court their imminent risk of insolvency if a stay is not entered and they must cease billing customers originated by the telephone. Accordingly, Defendants now renew their motion herein for a stay (or an expedited hearing on said motion). If a hearing is desired by the

Court, Defendants would be available immediately by telephone or Zoom and would be available in-person on a next-day basis.<sup>1</sup>

Dated: April 3, 2023

Respectfully submitted,

/s/ Edward J. Bennett

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<sup>1</sup> Defendants also will be filing on an expedited basis tomorrow their reply in support of their motion to certify the Order for interlocutory appeal.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2023, I caused a true and correct copy of the foregoing to be filed on the CM/ECF system, which will send notification of such filing to all parties and counsel in this case.

/s/ Atticus DeProspo  
Atticus DeProspo